

HOUSE BILL 3732

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 38, relative to fingerprinting of arrestees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-4-115(a)(1)(B) is amended by deleting the subdivision in its entirety and by substituting instead the following:

(B) A set of fingerprints; if fingerprints are maintained manually, the agency shall mail two (2) sets of properly completed fingerprint cards to the Tennessee bureau of investigation. If fingerprints are transmitted to the Tennessee bureau of investigation electronically, the agency shall maintain with the arrest report one hard copy of the fingerprints along with an acknowledgement from the Tennessee bureau of investigation that a copy of the fingerprints have been received and accepted.”

SECTION 2. Tennessee Code Annotated, Section 8-4-115(a)(2) is amended by deleting the language “two (2) full sets of”.

SECTION 3. Tennessee Code Annotated, Section 8-4-115(c)(1) is amended by deleting the language “, including but not limited to, two (2) full sets of classifiable fingerprints taken at arrest and the maintenance by the arresting agency of at least an eighty-five percent (85%) retention rate by the Tennessee bureau of investigation of such fingerprints”.

SECTION 4. Tennessee Code Annotated, Section 8-4-115(c)(4) is amended by deleting the subsection in its entirety.

SECTION 5. Tennessee Code Annotated, Section 8-4-115(e) is amended by deleting the subsection in its entirety.

SECTION 6. Tennessee Code Annotated, Section 8-8-201(a)(35)(A) is amended by deleting the language “two (2) full sets of fingerprints” and by substituting instead the language “a

full set of fingerprints” in the first sentence and by deleting the second sentence and by substituting instead the following:

If fingerprints are maintained manually, two (2) full sets of fingerprints shall be obtained and sent to the Tennessee bureau of investigation. If fingerprints are maintained electronically, a set of fingerprints shall be transmitted to the Tennessee bureau of investigation.

SECTION 7. Tennessee Code Annotated, Section 38-3-122(a)(1) is amended by deleting the language “two (2) full sets of fingerprints” and by substituting instead the language “a full set of fingerprints” in the first sentence and by deleting the second sentence and by substituting instead the following:

If the fingerprints are maintained manually, the agency shall send two (2) sets of properly completed fingerprint cards to the Tennessee bureau of investigation. If fingerprints are transmitted to the Tennessee bureau of investigation electronically, the agency shall maintain with the arrest report one hard copy of the fingerprints along with an acknowledgement from the Tennessee bureau of investigation that a copy of the fingerprints have been received and accepted.

SECTION 8. Tennessee Code Annotated, Section 38-3-122(a)(2) is amended by deleting subsection (C) in its entirety and by substituting instead the following:

(C) Then forwarding a full set of fingerprints to the Tennessee bureau of investigation in compliance with this section.

SECTION 9. This act shall take effect July 1, 2008, the public welfare requiring it.